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Held at Headquarters, New York, on Friday, 15 November 2002, at 10 a.m.

Chairman : Mr. Wenaweser ..... (Liechtenstein)

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The meeting was called to order at 10:20 a.m

Agenda item 109: Human rights questions *(continued)*

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms *(continued)* (A/C.3/57/L.53, A/C.3/57/L.56, A/C.3/57/L.57, A/C.3/57/L.58 A/C.3/57/L.59, A/C.3/57/L.60, A/C.3/57/L.61, A/C.3/57/L.67, and A/C.3/57/L.68 and A/C.3/57/L.69)

1. **The Chairman** announced that draft resolutions A/C.3/57/L.68 and A/C.3/57/L.69 had been included in the Journal in error, since they were not scheduled for consideration until Monday, 18 November.

Draft resolution A/C.3/57/L.53: human rights and extreme poverty

2. **Mr. Chuguihuara** (Peru) introduced draft resolution A/C.3/57/L.53 on behalf of the sponsors, which had been joined by Azerbaijan, Belgium, the former Yugoslav Republic of Macedonia, France, Ireland, Italy, Malaysia, Mozambique, Norway, Portugal, Republic of Moldova, Romania, and Thailand. He recalled that every two years the question of human rights and extreme poverty was the subject of a resolution, which was traditionally adopted without a vote. The elimination of poverty, and extreme poverty in particular, was one of the main challenges for the 21st century. Access to worthwhile employment, food security, health, education, and disaster protection was not just a development goal, but also a fundamental right. Moreover, the Universal Declaration of Human Rights, the Declaration on the Right to Development and the 1993 Vienna Declaration all condemned extreme poverty and social exclusion as offences against human dignity. And yet, the situation with respect to economic, social and cultural rights remained very worrying. Some 90 million children had no access to primary education, 790 million people lived in a state of food insecurity, and almost 1.2 billion people were living on less than one dollar a day. In the present era of globalization, the promotion and protection of human rights inevitably included the fight against poverty, which undermined the foundations of development and democracy. Immed steps should therefore be taken to meet people's ur economic and social needs, through respons economic policies. To combat poverty was als promote human rights, democracy, and the rule of l

3. **The Chairman** announced that Barba Cambodia, Cameroon, Congo, Djibouti, Eritrea, Gh Greece, Haiti, Indonesia, Madagascar, Ne Democratic Republic of the Congo, Swaziland, Yer Zambia, and Zimbabwe had also joined the sponso the draft resolution.

Draft resolution A/C.3/57/L.56: Extrajudi summary or arbitrary executions

4. **The Chairman** said that consideration of resolution A/C.3/57/L.56 would be postponed unti Committee's afternoon session, as the text was no ready.

Draft resolution A/C.3/57/L.57: Question of enfo or involuntary disappearances

5. **Mr. Moret** (France) introduced the resolution on behalf of the sponsors, which had joined by Andorra, Brazil, Haiti, Liechtenstein, Ukraine. The problem of enforced disappeara affected various regions of the world, and international community now realized full well how widespread the problem had become. He tribute to countries that were investigating case enforced disappearance brought to their atten countries that had set up appropriate mechanism were preparing to do so, and countries that cooperating with the group of experts of Commission on Human Rights. In that regard, he n that the Working Group on enforced or involun disappearances should provide Governments information, as well as a precise report.

6. The Third Committee and the Commission Human Rights had been considering the questio organized repression for a number of years. D resolution A/C.3/57/L.57 represented confirmatio the resolutions adopted by consensus in July 200 the Commission on Human Rights and the Econo and Social Council. Its objective was to prepare work of the intergovernmental Working Group cha

with formulating a new international normative instrument, which must work in an open, transparent and objective manner. He welcomed the work of the independent experts and hoped that the Committee would adopt the draft resolution by consensus.

7. His delegation wished to make certain revisions to the text. In the fourth preambular paragraph, following the word "abduction", the phrase "if they resulted in, or were due to enforced disappearances" should be added. In the seventh preambular paragraph, the word "welcoming" should be replaced by the word "recognizing". In paragraph 5 of the draft resolution proper, the words ", have developed, or are" should be inserted between the word "investigating" and "developing".

8. **The Chairman** announced that South Africa, Bosnia and Herzegovina, Croatia, Republic of Moldova, United Kingdom of Great Britain and Northern Ireland, and Swaziland had also joined the sponsors of the draft resolution.

Draft resolution A/C.3/57/L.58: Promotion of the right of peoples to peace

9. **Mr. Amorós Núñez** (Cuba), introducing draft resolution A/C.3/57/L.58 on behalf of its sponsors, which had been joined by Haiti, noted that its text was based on Commission on Human Rights Resolution 2002/71 of 25 April 2002, entitled "Promotion of the right of peoples to peace". He said that all peoples had the right to peace, and that it was the duty of all States to ensure respect for that right in order to build an international social order guaranteeing the full exercise of fundamental freedoms and human rights. He drew the Committee's attention in particular to paragraphs 3, 5 and 6 of the draft resolution, which were of vital importance with respect to the right of peoples to peace.

10. **The Chairman** announced that Cameroon, Eritrea, Ethiopia, Gambia, Indonesia, Lesotho and Nigeria had also joined the sponsors of the draft resolution.

Draft resolution A/C.3/57/L.59: Respect for the purposes and principles contained in the Charter of the United Nations to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms and in solving international problems of a humanitarian character.

11. **Mr. Amorós Núñez** (Cuba), introducing resolution A/C.3/57/L.59 on behalf of the sponsors, drawing the Committee's attention in particular to the fifth and sixth preambular paragraphs and paragraph 1 and 4 of the draft resolution proper.

12. **The Chairman** announced that Algeria, Russian Federation, Ghana, Lesotho, Namibia, Swaziland, and Zimbabwe had also joined the sponsors of the draft resolution.

Draft resolution A/C.3/57/L.60: Protection of migrants

13. **Mr. Simancaz Gutiérrez** (Mexico), presenting draft resolution A/C.3/57/L.60 on behalf of the sponsors, which had been joined by Argentina, Colombia, Ecuador, Jordan, Mozambique, Nicaragua, Paraguay, and Senegal, drawing the Committee's attention in particular to the fourth and eleventh preambular paragraphs and to paragraphs 6, 8, 11, 13 and 14 of the draft resolution proper. He invited delegations to offer their suggestions and comments, so that the draft resolution could be approved without a vote.

14. **The Chairman** announced that Egypt, Haiti, Indonesia, Peru, the Sudan, Tunisia, and Turkey had also joined the sponsors of the draft resolution.

Draft resolution A/C.3/57/L.61: Protecting human rights and fundamental freedoms while countering terrorism

15. **Mr. de Alba** (Mexico) introduced draft resolution A/C.3/57/L.61 on behalf of the sponsors, which had been joined by Argentina and Guatemala. He noted that the international community had on many occasions condemned acts of terrorism in the strongest terms, regardless of the underlying motives, forms, or manifestations of such acts, but had also recognized the need to ensure that the preservation of human rights was an integral part of efforts to combat terrorism. In that regard, he recalled the important role to be played by the Office of the High Commissioner for Human Rights. He hoped that the draft resolution, which had been extensively debated, would be adopted by consensus. He also noted that the Secretariat had made revisions to the text that went beyond mere editorial corrections, representing substantial changes to the meaning of the text: for example, the fifth preambular paragraph, where the word "noting" had been replaced

by "recalling". He suggested that, as a precautionary measure, the edited versions of draft resolutions be submitted to their sponsors before being approved for printing.

16. **The Chairman** announced that Nicaragua and the Dominican Republic had also joined the sponsors of the draft resolution.

Draft resolution A/C.3/57/L.67: Situation of human rights in Cambodia

17. **Ms. Saiga** (Japan) introducing the draft resolution on behalf of the sponsors, which had been joined by Liechtenstein and Norway, welcomed the progress made in protecting human rights in Cambodia. That progress had been possible by the commitment of the Government, which had been encouraged by the international community. She noted that consultations and technical cooperation had borne fruit, and welcomed the progress referred to in paragraphs 2 and 8 of Section II, and paragraph 3 of Section IV of the draft resolution. However, she deplored the impunity that continued to prevail in the country, the lack of independence within the judiciary, and the persistent human rights violations. Although Cambodia was clearly emerging from a long period of conflict, and the Cambodian Government was doing everything possible to ensure greater respect for human rights and encourage political stability and economic development, it lacked the requisite financial and human resources. The international community could be of invaluable assistance to the country in that regard. She hoped, in conclusion, that the draft resolution would be adopted without a vote.

Agenda item 104: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions *(continued)* (A/56/3, A/57/12 and A/57/12/Add.1, A/57/203, A/57/324 and A/57/583)

18. **Mr. Dhakal** (Nepal) welcomed the Global Consultations on international protection held under UNHCR auspices, and reaffirmed the importance of the Agenda for Protection, ratified in 2002 by the Executive Committee of the General Assembly (ExCom). Nepal was ready to cooperate with UNHCR in implementing the Agenda. He welcomed the encouraging remarks made in UNCHR's report (A/57/12), but noted that the actual figure for the number of refugees who had returned home during 2001 was far below the desired level. Moreover, although the world community was now dealing more aggressively with the new causes of today's flows of migrants and asylum-seekers, those flows continued unabated. However, UNHCR had undoubtedly been innovative in its efforts to resolve the issues of persecution, forced expulsion, the consequence of armed conflict, natural disasters, ethnic cleansing, and grave violations of human rights and fundamental freedoms.

19. His delegation believed that the concept of the "4Rs" (repatriation, reintegration, rehabilitation and reconstruction) was the key to resolving the problems faced by refugees, especially since it called for the establishment of partnerships with the World Bank, the United Nations Development Programme (UNDP), and other specialized agencies of the United Nations.

20. The idea of promoting development through local integration should be considered very carefully. Refugees certainly could function as agents of development, but it was vital that all the political, social and economic consequences of such an approach be taken into account. Clearly, in cases where the host country lacked the necessary manpower, and its economic and political capacities allowed, local integration could be beneficial. In most poor countries, however, it generally proved to be a source of further problems. Nepal therefore urged the High Commissioner to consider the issue carefully, in order to avoid potentially disastrous consequences.

21. He was concerned about the decline in resources allocated to humanitarian aid around the world. It was vitally important that the international community continued to provide assistance to countries hosting refugees.

22. As stated in paragraph 72 of the 2001 Report of the United Nations High Commissioner for Refugees (A/57/12), over 110,000 Bhutanese had been living in refugee camps in eastern Nepal for over 10 years. Nepal and Bhutan shared values and a common culture and had remained friends for centuries. Now they were confronted with similar dangers and challenges. Nepal was trying to find a lasting solution to the problem through bilateral negotiations, but no progress had been made because of Bhutan's refusal to move forward. It had been almost a year since the start of the joint verification process to assess the eligibility of refugees

for repatriation. Since then, Nepal had on several occasions invited Bhutan to attend the 12th ministerial meeting in order to resolve the problem. Nepal was offering asylum to the refugees for purely humanitarian reasons, and he expressed deep gratitude to the High Commissioner and to the friendly countries and non-governmental organizations that had helped Nepal to provide for the refugees' needs. He therefore called upon the international community, and the High Commissioner in particular, to create the conditions necessary to ensure the successful outcome of the bilateral talks presently being held to ensure refugees' speedy return.

23. **Ms. Fernandez** (Cuba) welcomed the fact that UNHCR continued to respect the strictly humanitarian character of its mission, and refused to take a political stance. The respect for the principles of international law and the sovereignty of States demonstrated by UNHCR must continue to characterize its actions.

24. However, UNHCR had fewer and fewer resources with which to assist and protect refugees. Everybody was familiar with the financial crisis affecting UNHCR, and yet, the number of refugees and displaced persons continued to rise.

25. Moreover, most of UNHCR's resources were allocated to just a few cases of massive refugee flows, while other actions - no less serious, but less publicized - did not receive sufficient resources.

26. Of the 20 million people covered by the system of international protection, over 14 million were in Asia, Africa and Latin America. Of those 14 million, 57 per cent were minors, and 45 to 55 per cent were women and children, who were particularly vulnerable.

27. The more the developed world closed its borders, tightened its migration policies, and adopted discriminatory laws in order to combat terrorism, the greater the pressure on developing countries, which hosted the largest number of refugees, and the more critical the living conditions in those countries. It was therefore vitally important to apply the principle of shared responsibility.

28. Cuba urged States and organizations with significant economic resources to increase their contribution to the international protection of all the world's refugees and displaced persons, without distinction.

29. It would also be advisable to begin consideration of the structural causes of massive flows of refugees and displaced persons, as a matter of urgency. By combating underdevelopment, social injustice, and poverty, the international community would reduce the risks of war and of ethnic, religious, and political violence, and hence the movements of refugees and displaced persons. Mention should be made of the 3,900,000 stateless Palestinian refugees. Cuba wished to express its unconditional solidarity with them, and strongly condemned those who drove them from their homes and those who supported anti-Palestinian violence.

30. Cuba was a small country, whose potential for economic growth was severely limited by the economic blockade recently condemned by the General Assembly with an overwhelming majority. However, Cuba had a long tradition of hosting refugees. Many nationals of Latin American countries and the Caribbean, forced to flee dictatorships in their countries, had received medical assistance and free education in Cuba, on the same terms as Cuban citizens, and had thus been integrated into Cuban society. As a result of that experience, Cuba had been able to develop a constructive relationship with UNHCR, and that relationship had strengthened over the years. Even though Cuba was not in a position to make a major contribution to the UNHCR budget, it was ready to place at the refugees' disposal its greatest assets: its solidarity and its human resources.

31. **Mr. Tahir Baduri** (Eritrea) welcomed the priority attached by UNHCR to the question of Eritrean refugees, and thanked all partners and host countries that had made their resources available to millions of refugees in various regions of the world. After Eritrea had officially achieved independence, in 1993, its Government had endeavoured to find a lasting solution to the refugee problem, formulating a wide-ranging programme that had, unfortunately, not been regarded as within the jurisdiction of UNHCR. Since then, a spirit of close cooperation had been established between the Eritrean Government and the Office of the High Commissioner for Refugees. The refugee problem was no longer approached from the sole perspective of voluntary repatriation, but also from that of integration. UNHCR was presently striving to ensure the viability of programmes for the voluntary repatriation and voluntary resettlement of refugees, working together with a number of United Nations organs and other

international organizations. Thousands of refugees repatriated on a voluntary basis to Eritrea had benefited from initiatives put in place during the initial phase of the repatriation programme, which had helped create a climate of confidence among the refugee population. Furthermore, UNHCR had tried to breach the divide between emergency relief and development activities by adopting the "4Rs" approach.

32. The Eritrean Government, which was still in a post-conflict situation, was working with UNHCR to finalize a rehabilitation programme for refugees, displaced persons, expelled persons, and demobilized soldiers, within the context of long-term development strategies. Above all, however, it was necessary to invest in the development of the human resources required for the effective implementation of the programme.

33. Since the signing, in May 2001, of the Tripartite Agreement between the Government of Eritrea, the Government of the Sudan, and UNHCR, the Tripartite Commission had met seven times, facilitating the voluntary repatriation of over 51,000 refugees and the registration of 19,000 more, who were waiting to return home. Unfortunately, the situation of Eritrean refugees in the Sudan was far more precarious and uncertain than a year before. He appealed to the humanitarian community to pay far greater attention to the situation of those refugees and to ensure that their rights were respected. It was essential that all parties, especially the host country, adhered to the Tripartite Agreement, and that policies and measures implemented on the refugees' behalf were based on the provisions of the 1951 Convention on the Status of Refugees and its 1967 Protocol, and the 1969 Organization for African Union Convention on refugees. UNHCR had recently declared that the Cessation Clause had been invoked for Eritrean refugees. UNHCR considered that the end of the war of independence, in June 1991, and the end of the border dispute between Eritrea and Ethiopia, in June 2000, had in practice eliminated the root causes of the problem of Eritrean refugees. His delegation would cooperate fully in the implementation of the UNHCR declaration.

34. He also wished to draw the Committee's attention to the drought that was presently afflicting Eritrea and the suffering that it was causing among displaced persons in the country's interior regions. His delegation hoped that he international community would be generous in its assistance.

35. Lastly, he recalled that it was thanks to the cooperation between the Eritrean Government, UNHCR, and other United Nations specialized agencies, international organizations and non-governmental organizations, while the boundary dispute between Eritrea and Ethiopia was at its height, that most of the displaced persons had been able to return home within a relatively short time period. However, although the Boundary Commission had taken a decision on the boundary, it was estimated that 57,000 people continued to live in makeshift camps. Furthermore, gravely concerned by the presence of mines and unexploded ordinance along the boundary, the Eritrean Government was trying to find a solution to the problem with the assistance of United Nations organs and non-governmental organizations.

36. **Mr. Aguzzi Durán** (Venezuela) said that the mission of the Office was particularly important to Venezuela, which remained determined to defend and promote human rights, as well as to ensure the protection of refugees and displaced persons.

37. Venezuela had adopted an organic law on refugees, and was now formulating laws for its implementation. It would shortly be setting up a national commission to report on the status of refugees, in accordance with international norms.

38. Venezuela had on several occasions expressed its support for efforts to find lasting solutions to the refugee problem. It also supported the right to voluntary repatriation and the principle of the prohibition of expulsion or return. Moreover, Venezuela believed that it was for States to prevent population displacements and to create security conditions that would facilitate the voluntary return of their citizens.

39. In his 2001 report, the High Commissioner had announced a slight decline in the number of displaced persons. In that regard, it was encouraging to note that the resolution of the conflict in Afghanistan had led to the repatriation of many Afghan refugees, and that Venezuela had made a financial contribution to that operation. Because the repatriation or return of displaced persons required significant resources, it was vital that countries having the necessary resources increase their contributions in order to assist the countries most affected.

40. Venezuela supported UNHCR's efforts to find lasting solutions to the problem of refugees and to

stamp out the manifestations of xenophobia to which they were subjected. Venezuela was concerned about the abuse of child and adolescent refugees, as well as their lack of access to education. Lastly, he was concerned about the safety of humanitarian field personnel, whose commitment and selflessness should be applauded.

41. **Mr. Kweon Ki-hwan** (Republic of Korea) said that he was encouraged by the decline in the number of refugees, which showed the success of the international community's efforts to find lasting solutions to the problem. That trend must be maintained and consolidated.

42. The Republic of Korea welcomed the outcomes that had culminated in the Global Consultations on the international protection of refugees, and notably the unanimous reaffirmation of the vital importance of the 1951 Convention on the Status of Refugees. The new Agenda for Protection would serve as a guide for the formulation of policies and cooperation projects aimed at strengthening refugee protection. The Republic of Korea welcomed the particular attention paid to women and children refugees.

43. The Republic of Korea also welcomed the "Convention Plus" initiative, which should facilitate the implementation of multilateral accords complementing the 1951 Convention, in order to deal with the new challenges presented by the protection of refugees. The success of that process required a spirit of cooperation and the sharing of responsibilities.

44. The Republic of Korea hoped that the process would be extended to persons who were in need of international protection but did not yet benefit from UNHCR actions. Driven by poverty and hunger, many people were leaving their homes in order to live an extremely precarious life, under conditions identical to those of refugees. The "Convention Plus" initiative should address the problems of those vulnerable population groups.

45. The increasing complexity of the refugee problem required the strengthening of UNHCR as a multilateral institution. The Republic of Korea hoped that the 2004 UNHCR process would lead to the consolidation of the UNHCR's financial situation and management structure, thereby ensuring that it could carry out its mission effectively.

46. **Mr. Anshor** (Indonesia) said that his country wished to thank the United Nations High Commissioner and all those who had worked alongside the Indonesian Government to repatriate East Timorese refugees and reintegrate those who had elected not to return to Timor-Leste. The fact that humanitarian relief efforts were achieving their goal and that the refugee problem had essentially been resolved was thanks to the speed of the intervention, which had enabled Indonesia and Timor-Leste to avoid the problems of political and social destabilization characterizing other protracted refugee situations.

47. The transition from aid to development was often problematical, but the Indonesian Government hoped that the province of West Timor would prove to be an exception in that regard, because assistance from UNHCR and the international community was still necessary in order to integrate refugees into society and help the region to develop. In that respect, the Indonesian Government believed that humanitarian assistance must be based on the principles of humanity, neutrality, and impartiality, and that it should be provided with the consent of the affected State, in respect for the sovereignty, territorial integrity, and national unity of States. The affected State should play the leading role in coordinating such assistance, with UNHCR providing support when requested to do so.

48. Without external assistance, both technical and financial, the refugee problem in West Timor would never have been resolved effectively. The outcomes achieved were a fine example of cooperation between a host country and international institutions, especially UNHCR. That was why the Indonesian Government was particularly concerned at the significant financial difficulties besetting UNHCR and hoped that it was possible to find a lasting solution that would guarantee regular financial support for the Office in an amount sufficient to fund existing programmes and provide it with the flexibility to deal with emergency situations. It was also essential that resources not be diverted from other goals, such as sustainable development, in order to finance humanitarian assistance. His delegation therefore hoped that Member States would come together to mount a joint response to the global appeals that would be launched the following week, around the world, to collect the 3 billion dollars needed to finance humanitarian actions during the year 2003.

49. **Mr. Villetaz** (Observer for the International Committee of the Red Cross, ICRC) said that armed conflicts were among the main causes of enforced population displacement, not just across international borders, but also within national borders. Even though humanitarian organizations - including ICRC - played an often vital support role, it should be recalled that States bore the main responsibility. It was widely recognized that greater respect for international humanitarian law would reduce the number of refugees and displaced persons, because that branch of the law was aimed primarily at protecting civilians from the dangers inherent in military operations and from the abuse of power, and at bringing the assistance essential to those who needed it. Another of ICRC's functions was to remind parties to a conflict of their obligations under international law.

50. The ICRC devoted much of its attention and most of its resources to the millions of displaced persons in over 50 countries of the world, but this did not mean that it had abandoned its central mission, which was to bring assistance to all civilian populations. Focussing on certain civilian population groups in order to gain a better understanding of their needs certainly did not mean that one could ignore the situation of those who were still trapped in dangerous regions, for example, or those whose meagre resources had been further depleted by the need to provide for others arriving in a state of total destitution.

51. In order to assess the overall situation, it was therefore necessary to identify problems more effectively and intervene on an impartial basis. Such a global approach required cooperation from all partners, through bilateral coordination mechanisms, such as the Inter-agency Standing Committee, and bilateral contacts with operational agencies like UNHCR. In any event, agencies should consult closely in order to ensure the effective distribution of tasks - whether in the field or at headquarters - in order to ensure that operational problems were resolved. The various agencies should also work together to formulate policies and define standards. Indeed, very recently, within the context of the Global Consultations on international protection, ICRC had helped to develop the Agenda for Protection. ICRC hoped that it could count on the active participation and expertise of UNHCR during its planned conference on displaced persons.

52. **Mr. Prica** (Bosnia and Herzegovina) thanked the Member States that had given his delegation the assurances of its interest and support, and provided advice and suggestions concerning the draft resolution on the precepts governing humanitarian action in emergency situations, which his delegation intended to submit. The extensive consultations undertaken by his delegation had revealed that a number of countries needed more time to consider the draft resolution and consult among themselves. His delegation wished to stress that the draft resolution was based on the principles contained in the previous text submitted by the Government of Bosnia and Herzegovina. The precepts were designed to strengthen the principles contained in General Assembly Resolution 46/182 which had led to the creation of the Office for the Coordination of Humanitarian Affairs (OCHA). The draft resolution submitted by Bosnia and Herzegovina was certainly not intended to reopen old debates, but merely to strengthen existing texts and take into account the lessons learned over the past 10 years. The draft resolution fully respected States' sovereignty and territorial integrity, and placed the emphasis on the role of States affected by emergency situations, while drawing attention to the responsibility of non-State actors. Lastly, it should be underlined that the best way to with all the problems posed by emergency situations might well be to adopt a joint approach, while placing the emphasis on the role of individuals, including the victims themselves. The draft resolution underlined the fact that victims should not be treated as such, but rather as active participants in the process of policy formulation and the implementation of measures taken at the national and international levels to respond to emergency situations.

53. For all those reasons, his delegation proposed that deliberation of the draft resolution be postponed until the 58th Session of the General Assembly so that a consultation process could be initiated with all the delegations concerned. The delegation of Bosnia and Herzegovina would be open to all suggestions and revisions that might improve and strengthen the text.

The meeting rose at 12.00 p.m.